

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION

LABORERS' PENSION FUND et al., )  
 )  
 Plaintiffs, )  
 )  
 v. ) Case No. 08 C 250  
 )  
 ) Judge ASPEN  
 B & M INTERNATIONAL CONSTRUCTION, )  
 an Illinois corporation, et al., )  
 )  
 Defendants. )

**SETTLEMENT AGREEMENT AND AGREED STIPULATION TO DISMISS**

Now come Plaintiffs Laborers' Pension Fund and Laborers' Welfare Fund for the Health and Welfare Department of the Construction and General Laborers' District Council of Chicago and Vicinity and James S. Jorgensen, Administrator of the Funds ("Plaintiffs" or the "Funds"), by and through their attorney, Charles Ingrassia, and Defendants B & M International Construction, Inc., (the "Company"), by and through its Owner and President, Paul Malecki, and Paul Malecki, individually ("Malecki" and hereinafter both Defendants will be collectively referred to as the "Defendants"), and hereby submit the following Settlement Agreement and Agreed Stipulation to Dismiss. In support of this Agreement, the parties state as follows:

1. The Defendants have agreed to settle this case with the Plaintiffs by submitting the total sum of \$5,500.00. The Defendants will pay \$1,100.00 by September 15, 2008; \$1,100.00 by October 15, 2008; \$1,100.00 by November 15, 2008; \$1,100.00 by December 15, 2008; and \$1,100.00 by January 15, 2009.

2. The Company agrees to immediately obtain and maintain a surety bond in the amount of \$5,000.00 pursuant to the terms of the Collective Bargaining Agreement and the

Funds' Trust documents.

3. In the event that the Defendants default as indicated under the terms of this Settlement Agreement, then the parties hereby agree and stipulate that judgment will be entered in favor of the Funds and against Defendants B & M International Construction, Inc., and Paul Malecki, joint and severally, in the amount of \$8,433.73 less whatever amounts the Defendants have paid toward the settlement amount.

4. In the event the Consent Judgment set forth above in paragraph 3 is entered, the parties further agree that Defendant Company and Paul Malecki shall be ordered to pay post-judgment interest on all amounts due from the date of the Consent Judgment until the date the Consent Judgment is paid and all attorneys' fees and costs incurred by the Funds in obtaining the Consent Judgment.

5. The parties request that this matter be dismissed without prejudice with leave to reinstate and with the Court retaining jurisdiction to enforce the terms of the Settlement Agreement through February 15, 2009. The parties further request that this matter be dismissed with prejudice if not reinstated on or before the aforementioned date without any further action of the Court.

Dated: 8/18/2008

Respectfully submitted,

Laborers' Pension Fund, et al.

By: Charles Ingrassia

Charles Ingrassia, Attorney for Plaintiffs

Office of Fund Counsel  
111 W. Jackson Blvd, Suite 1415  
Chicago, IL 60604

Dated: 8/17/08

By: 

Paul Malecki, individually and as Owner and  
President of B & M International Construction, Inc.

Paul Malecki  
950 N. Milwaukee, Suite 209  
Glenview, IL 60025

**CERTIFICATE OF SERVICE**

The undersigned attorney of record certifies that he caused a copy of the foregoing *Settlement Agreement and Agreed Stipulation to Dismiss* to be served upon the following person on August 18, 2008, via U.S. First Class Mail, postage pre-paid:

Pawel Malecki  
950 N. Milwaukee, Ste 209  
Glenview, Illinois 60026

/s/ Charles Ingrassia